

REMARKS/ARGUMENTS

All pending claims stand rejected based on an article titled "Remote scripting using a servlet," by Hatcher (hereinafter, "Hatcher") in combination with other references. However, Applicant respectfully submits that Hatcher is not prior art with respect to the present application. The present application was filed on July 26, 2003. For Hatcher to be prior art with respect to the present application, it must have been publicly available at least as early as July 26, 2003. However, the Examiner has not provided any evidence that Hatcher was publicly available at least as early as July 26, 2003. It appears that the Examiner retrieved Hatcher on March 12, 2007, well after the filing date of the present application.

Applicant acknowledges that the date of "01 Feb 2001" appears near the top of page 1 of Hatcher. However, there is no indication about what this date represents. There is no evidence that "01 Feb 2001" is the date that Hatcher was published on the World Wide Web or otherwise made publicly available. It is certainly possible that the content of Hatcher was initially written on February 1, 2001, but not published to the World Wide Web or otherwise made publicly available until after the filing date of the present application.

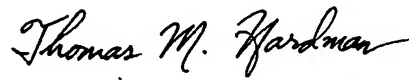
Hatcher is presently available at the following URL: <http://www-128.ibm.com/developerworks/web/library/wa-resc/>. Applicant has searched for this URL on the Internet Archive web site (www.archive.org). No results were found prior to May 1, 2006. (See Appendix A.)

Because Hatcher is not prior art to the present application, Applicant respectfully submits that the Examiner's reliance on Hatcher to reject the pending claims under 35 U.S.C. § 103(a) is improper. Therefore, Applicant respectfully requests that the claim rejections be withdrawn.

Appl. No.10/627,464
Amdt. dated February 24, 2009
Reply to Office Action of August 14, 2008

For at least the foregoing reasons, Applicant respectfully asserts that all pending claims are allowable, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



/Thomas M. Hardman/

Thomas M. Hardman
Reg. No. 51,777
Attorney for Applicant

Date: February 24, 2009

AUSTIN RAPP & HARDMAN
170 South Main Street, Suite 735
Salt Lake City, Utah 84101
Telephone: (801) 537-1700

APPENDIX A



Enter Web Address: <http://>

All

Take Me Back

[Adv. Search](#) [Compare Archive Pages](#)

Searched for <http://www-128.ibm.com/developerworks/web/library/wa-resc/>

11 Results

* denotes when site was updated.
Material typically becomes available here 6 months after collection. See [FAQ](#).

Search Results for Jan 01, 1996 - Aug 28, 2008

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
0	0	0	0	0	0	0	0	0	0	5 pages	6 pages	0
pages	pages	pages	pages	pages	pages	pages	pages	pages	pages			pages
										May 01, 2006 *	Jan 01, 2007 *	
										Jul 16, 2006 *	Feb 05, 2007	
										Aug 20, 2006 *	Apr 02, 2007	
										Sep 11, 2006 *	May 18, 2007 *	
										Nov 05, 2006 *	May 22, 2007	
											Aug 22, 2007 *	

[Home](#) | [Help](#)

[Internet Archive](#) | [Terms of Use](#) | [Privacy Policy](#)